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ORDER SHEET
ITAT/98/2026
IA NO:GA/1/2026, GA/2/2026
IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION (INCOME TAX)
ORIGINAL SIDE

COMMISSIONER OF INCOME TAX (EXEMPTIONS), KOLKATA
VS
ASSAM INFRASTRUCTURE FINANCING AUTHORITY

BEFORE:
The Hon'ble JUSTICE RAJARSHI BHARADWAJ
AND
The Hon'ble JUSTICE UDAY KUMAR
Date: 3rd August, 2026.

Appearance:
Mr. P.K. Bhowmick, Adv.
Mr. Anurag Roy, Adv.
...for the appellant

Mr. Shourjyo Mukherjee, Adv.
Mr. Gautam Talukder, Adv.
Mr. Vishwarup Acharyya, Adv.
...for the respondent

The Court: Affidavit of service filed today be kept with the record.

We have heard learned advocates on either side.

There is a delay of 128 days in filing the appeal. We are satisfied with the explanation offered for not preferring the appeal within time. Therefore, the delay is condoned. The application being GA 1 of 2026 is allowed.

The appeal is admitted on the following substantial questions of law for consideration.

> "i. Whether the Learned Tribunal committed substantial error in law in ignoring that the assessee, being a society registered under the

Societies Registration Act, 1860, is a distinct and separate taxable person under the Income Tax Act, 1961, and consequently, any income earned by it is taxable in its hands unless specifically exempt under the provisions of the Act ?

ii. Whether the Learned Tribunal committed substantial error in law in failing to appreciate that the assessee was not registered under Section 12A/12AB of the Act for the relevant assessment year, and therefore, was not entitled to claim exemption under Sections 11 and 12 of the Income-tax Act, 1961 ?"

The appellant shall file requisite number of informal paper books prepared out of Court including therein all relevant materials used before the learned Court below within ten weeks from date and serve copies thereof upon the learned advocate for the respondent. However, the respondent is requested to file supplementary affidavit, if any, within a period of two months from date.

Settlement of index and all other formalities are dispensed with.

Since the respondent is represented, service of notice of appeal stands dispensed with.

Let the matter be listed twelve weeks hence.

IA No.GA/2/2026 is disposed of.

(RAJARSHI BHARADWAJ, J.)

(UDAY KUMAR, J.)

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